

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

ARCH INSURANCE COMPANY,

Plaintiff,

-against-

JOHN D. AGOGLIA, et al.,

Defendants.

Case No. 08-CIV-5252 (GEL)

**NOTICE OF MOTION FOR PRO HAC VICE ADMISSION**

PLEASE TAKE NOTICE that upon the attached Declaration of John H. Eickemeyer, dated June 27, 2008, and the certificates of good standing and declarations of Cara Tseng Duffield, Marc E. Rindner and Daniel J. Standish annexed thereto, plaintiff Arch Insurance Company ("Arch") will move this Court, on July 28, 2008 for an order pursuant to Local Civil Rule 1.3(c) of the United States District Court for the Southern District of New York, to admit Cara Tseng Duffield, Marc E. Rindner and Daniel J. Standish to act as attorneys *pro hac vice* on behalf of Arch solely for purposes of this litigation.

Dated: New York, New York  
June 27, 2008

Respectfully submitted,

VEDDER PRICE P.C.

By:

John H. Eickemeyer (JE-8302)  
Daniel C. Green (DG-0059)  
1633 Broadway, 47th Floor  
New York, New York 10019  
(212) 407-7700

*Attorneys for Plaintiff  
Arch Insurance Company*

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ARCH INSURANCE COMPANY,

Plaintiff,

-against-

JOHN D. AGOGLIA, et al.,

Defendants.

**Case No. 08-CIV-5252 (GEL)**

**DECLARATION OF JOHN H. EICKEMEYER**

JOHN H. EICKEMEYER hereby declares under penalties of perjury pursuant to 28 U.S.C. §1746 as follows:

1. I am a partner of the firm Vedder Price P.C., attorneys of record for plaintiff Arch Insurance Company ("Arch"). I make this affidavit in support of the applications of Cara Tseng Duffield, Marc E. Rindner and Daniel J. Standish to act as attorneys *pro hac vice* for Arch solely for purposes of this litigation.

2. I am a member in good standing of the bar of the State of New York, to which I was admitted to practice in May 1981. I am also admitted to the bar of the United States District Court for the Southern District of New York in April 1984, and am in good standing with this Court.

3. Cara Tseng Duffield ("Ms. Duffield") is a member of the bar of the District of Columbia and an associate of the firm of Wiley Rein LLP in Washington, D.C. A Declaration by Ms. Duffield in support of her admission *pro hac vice*, and a certificate attesting to her good standing issued by the District of Columbia Court of Appeals, are annexed at Exhibit A hereto.

4. Marc E. Rindner (“Mr. Rindner”) is a member of the bar of the District of Columbia and a partner of the firm of Wiley Rein LLP in Washington, D.C. A Declaration by Mr. Rindner in support of his admission *pro hac vice*, and a certificate attesting to his good standing issued by the District of Columbia Court of Appeals, are annexed at Exhibit B hereto.

5. Daniel J. Standish (“Mr. Standish”) is a member of the bar of the District of Columbia and a partner of the firm of Wiley Rein LLP in Washington, D.C. A Declaration by Mr. Standish in support of his admission *pro hac vice*, and a certificate attesting to his good standing issued by the District of Columbia Court of Appeals, are annexed at Exhibit C hereto.

6. Wiley Rein LLP acts as regular outside counsel for Arch. Ms. Duffield, Mr. Rindner and Mr. Standish have been working with me and other attorneys for Arch in the preparation of this litigation and are fully familiar with the proceedings herein.

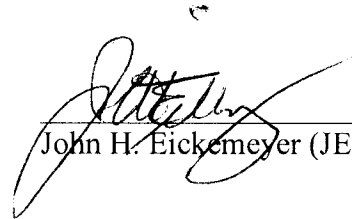
7. I have found Ms. Duffield, Mr. Rindner and Mr. Standish to be skilled attorneys and persons of integrity. They are experienced in Federal practice and are familiar with the Federal Rules of Civil Procedure.

8. I respectfully request that Ms. Duffield, Mr. Rindner and Mr. Standish be admitted *pro hac vice* so that they may appear in this case from time to time, and submit a proposed order granting their admission *pro hac vice*, annexed as Exhibit D hereto.

9. No previous motion for this relief has been made to this court (Ms. Duffield, Mr. Rindner and Mr. Standish were previously granted *pro hac* admission in New York State Supreme Court, New York County, prior to this action’s removal).

10. I declare under penalties of perjury that the foregoing is true and correct.

Dated: June 27, 2008



John H. Eickemeyer (JE-8302)

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**ARCH INSURANCE COMPANY**

**Plaintiff,**

**V.**

**No. 08-CIV-5252 (GEL)**

**JOHN D. AGOGLIA, et al.**

## Defendants

**DECLARATION OF CARA TSENG DUFFIELD IN SUPPORT OF PLAINTIFF  
ARCH INSURANCE COMPANY'S MOTION FOR ADMISSION *PRO HAC VICE***

Cara Tseng Duffield declares as follows:

1. I am an attorney at the law firm of Wiley Rein LLP.
2. I submit this declaration in support of my motion for admission to practice

*pro hac vice* in the above captioned matter.

3. As shown in the Certificate of Good Standing annexed hereto I am a member in good standing of the Bar of the District of Columbia.

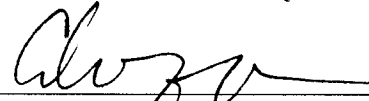
4. There are no pending disciplinary proceedings against me in any State or Federal court.

5. Wherefore your declarant respectfully submits that she be permitted to appear as counsel and advocate *pro hac vice* in this one case.

I declare under penalty of perjury that the foregoing is true and correct. Executed  
on June 25, 2008.

Respectfully submitted,

By:



Cara Tseng Duffield

D.C. Bar No. 478916

WILEY REIN, LLP

1776 K St., N.W.

Washington, D.C. 20006

[cduffield@wileyrein.com](mailto:cduffield@wileyrein.com)

Telephone: (202) 719-7000

Facsimile: (202) 719-7049

*Counsel for Plaintiff Arch  
Insurance Company*



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

CARA T. DUFFIELD

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was on the 13<sup>TH</sup> day of SEPTEMBER, 2002  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on June  
19, 2008.

GARLAND PINKSTON, JR., CLERK

By: M. Charles  
Deputy Clerk

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<b>ARCH INSURANCE COMPANY</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 08-CIV-5252 (GEL)</b>
	)	
<b>JOHN D. AGOGLIA, et al.</b>	)	
	)	
<b>Defendants</b>	)	
	)	

**DECLARATION OF MARC E. RINDER IN SUPPORT OF PLAINTIFF ARCH  
INSURANCE COMPANY'S MOTION FOR ADMISSION *PRO HAC VICE***

MARC E. RINDNER declares as follows:

1. I am a partner of the law firm of Wiley Rein LLP.
2. I submit this declaration in support of my motion for admission to practice *pro hac vice* in the above captioned matter.
3. As shown in the Certificate of Good Standing annexed hereto I am a member in good standing of the Bar of the District of Columbia.
4. There are no pending disciplinary proceedings against me in any State or Federal court.
5. Wherefore your declarant respectfully submits that he be permitted to appear as counsel and advocate *pro hac vice* in this case.



I declare under penalty of perjury that the foregoing is true and correct. Executed on  
June 25, 2008.

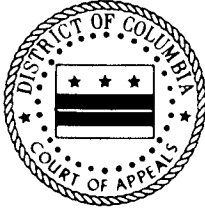
Respectfully submitted,

By:



Marc E. Rindner  
D.C. Bar No. 461250  
WILEY REIN, LLP  
1776 K St., N.W.  
Washington, D.C. 20006  
[mrindner@wileyrein.com](mailto:mrindner@wileyrein.com)  
Telephone: (202) 719-7000  
Facsimile: (202) 719-7049

*Counsel for Plaintiff Arch  
Insurance Company*



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

MARC E. RINDNER

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was on the 16<sup>TH</sup> day of DECEMBER, 1998

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on June 19, 2008.

GARLAND PINKSTON, JR., CLERK

By: M. Charles  
Deputy Clerk

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**ARCH INSURANCE COMPANY**

**Plaintiff,**

**V.**

**JOHN D. AGOGLIA, et al.**

## Defendants

**No. 08-CIV-5252 (GEL)**

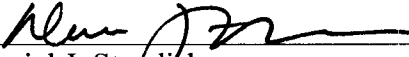
**DECLARATION OF DANIEL J. STANDISH IN SUPPORT OF PLAINTIFF  
ARCH INSURANCE COMPANY'S MOTION FOR ADMISSION *PRO HAC VICE***

DANIEL J. STANDISH declares as follows:

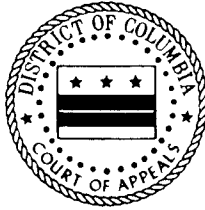
1. I am a partner of the law firm of Wiley Rein LLP.
2. I submit this declaration in support of my motion for admission to practice *pro hac vice* in the above captioned matter.
3. As shown in the Certificate of Good Standing annexed hereto I am a member in good standing of the Bar of the District of Columbia.
4. There are no pending disciplinary proceedings against me in any State or Federal court.
5. Wherefore your declarant respectfully submits that he be permitted to appear as counsel and advocate *pro hac vice* in this one case.

I declare under penalty of perjury that the foregoing is true and correct. Executed  
on June 25, 2008.

Respectfully submitted,

By:   
Daniel J. Standish  
D.C. Bar No. 414194  
WILEY REIN, LLP  
1776 K St., N.W.  
Washington, D.C. 20006  
[dstandish@wileyrein.com](mailto:dstandish@wileyrein.com)  
Telephone: (202) 719-7000  
Facsimile: (202) 719-7049

*Counsel for Plaintiff Arch  
Insurance Company*



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

DANIEL J. STANDISH

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was on the 24<sup>TH</sup> day of JUNE, 1988  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on June  
19, 2008.

GARLAND PINKSTON, JR., CLERK

By: *M. Charles*  
Deputy Clerk



an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated: \_\_\_\_\_, 2008  
New York, New York

\_\_\_\_\_  
Hon. Gerard E. Lynch  
United States District Judge

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ARCH INSURANCE COMPANY,

Plaintiff,

**Case No. 08-CV-5252 (GEL)**

-against-

JOHN D. AGOGLIA, et al.,

Defendants.

**CERTIFICATE OF SERVICE**

I, Daniel C. Green, hereby declare, pursuant to 28 U.S.C. 1746, under penalties of perjury, as follows:

1. On June 27, 2008, I caused copies of the foregoing **NOTICE OF MOTION** and **DECLARATION OF JOHN H. EICKEMEYER** with annexed Exhibits to be served upon all parties to the above-captioned action by depositing true copies of same into the custody of the United States Postal Service, addressed to their counsel as follows:

*and by email*

Defendant(s)	Counsel
Agoglia, John D. McCarthy, Peter J.	William Fleming, Esq. Gage Spencer & Fleming, LLP 410 Park Avenue New York, NY 10022 (212) 768-4900 <a href="mailto:wffleming@gagespencer.com">wffleming@gagespencer.com</a>
Breitman, Leo R. Gantcher, Nathan Harkins, David V. Jaekel, Scott L. Lee, Thomas H. O'Kelley, Ronald L. Schoen, Scott A.	Paul A. Ferrillo, Esq. Weil Gotshal & Manges LLP 767 Fifth Avenue New York, NY 10153 (212) 310-8372 <a href="mailto:Paul.ferrillo@weil.com">Paul.ferrillo@weil.com</a>



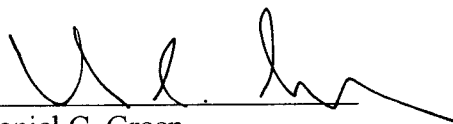
Dhillon, Sukhmeet Lipoff, Eric	Neil A. Goteiner, Esq. Farella, Braun & Martel 235 Montgomery Street, 30 <sup>th</sup> Floor San Francisco, CA 94104 (415) 954-4485 <a href="mailto:ngoteiner@fbm.com">ngoteiner@fbm.com</a>
Dittmer, Thomas H.	Thomas C. Wolford, Esq. Neal Gerber & Eisenberg, LLP 2 North LaSalle Street Chicago, IL 60602 (312) 269-5675 <a href="mailto:Twolford@ngelaw.com">Twolford@ngelaw.com</a>
Grady, Stephen	Lawrence J. Kotler, Esq. Duane Morris & Heckscher, LLP 30 South 17 <sup>th</sup> Street Philadelphia, PA 19103 (215) 979-1514 <a href="mailto:ljkotler@duanemorris.com">ljkotler@duanemorris.com</a>
Grant, Tone	William A. Schreiner, Jr., Esq. Zuckerman Spaeder LLP 1800 M Street, NW, Suite 1000 Washington, D.C. 20036 (202) 778-1858 <a href="mailto:wschreiner@zuckerman.com">wschreiner@zuckerman.com</a>
Grant, Tone	Laura E. Neish, Esq. Zuckerman Spaeder LLP 1540 Broadway, Suite 1604 New York, NY 10036 (212) 704-9600 <a href="mailto:lneish@zuckerman.com">lneish@zuckerman.com</a>
Klejna, Dennis	Helen Kim, Esq. Katten Muchin Rosenman, LLP 2029 Century Park East, Suite 2600 Los Angeles, CA 90067 (310) 788-4525 <a href="mailto:Helen.kim@kattenlaw.com">Helen.kim@kattenlaw.com</a>

Mutterer, Frank	Janet Costello, Esq. Gibbons, P.C. One Gateway Center Newark, NJ 07102 973-596-4825 <a href="mailto:jcostello@gibbonslaw.com">jcostello@gibbonslaw.com</a>
Murphy, Joseph	John R. Jerome, Esq. Saul Ewing, LLP 245 Park Avenue 24th Floor New York, NY 10167 <a href="mailto:jjerome@saul.com">jjerome@saul.com</a>
Outridge, Richard N.	Claire P. Gutekunst Proskauer Rose, LLP 1585 Broadway New York, NY 10036 (212) 969-3421 <a href="mailto:cgutekunst@proskauer.com">cgutekunst@proskauer.com</a>
Sexton, William M. Sherer, Gerald	Ivan Kline, Esq. Friedman & Wittenstein, P.C. 600 Lexington Avenue New York, NY 10022 (212) 750-8700 <a href="mailto:ikline@friedmanwittenstein.com">ikline@friedmanwittenstein.com</a>
Silverman, Philip	Richard Cashman, Esq. Heller Ehrman, LLP Times Square Tower 7 Times Square New York, NY 10036 (212) 847-8796 <a href="mailto:Richard.cashman@hellerehrman.com">Richard.cashman@hellerehrman.com</a>

Trosten, Robert C.	Barbara Moses, Esq. Morvillo, Abramowitz, Grand, Iason & Silberberg, PC 565 Fifth Avenue New York, NY 10017 (212) 880-9540 <a href="mailto:bmoses@magislaw.com">bmoses@magislaw.com</a>
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2. On June 27, 2008, I caused a copy of the foregoing **NOTICE OF MOTION** and **DECLARATION OF JOHN H. EICKEMEYER** with annexed Exhibits to be served by U.S. mail upon Richard N. Outridge at 24 Pennbrook Drive, Lincoln University, Pennsylvania 19352.

DATED: June 27, 2008

  
Daniel C. Green